

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-00671 LB	DATE FILED 02/14/2011	U.S. DISTRICT COURT Northern District of California, 1301 Clay Street, RM 400S, Oakland, CA 94612
PLAINTIFF XILINX, INC.		DEFENDANT INVENTION INVESTMENT FUND I, LP, ET AL
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <i>16 Pat 991-3-4</i>		SEE ATTACHED
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1		SEE ATTACHED	
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

61. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '736 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

62. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '736 patent, either literally or under the doctrine of equivalents.

63. A judicial declaration of non-infringement of the '736 patent is necessary and appropriate in order to resolve this controversy.

EIGHTH COUNT

(Declaratory Judgment of Invalidity of the '736 Patent)

64. The allegations contained in paragraphs 1 through 63 are incorporated by reference as if fully set herein.

65. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '736 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

66. On information and belief, the '736 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

67. A judicial declaration of invalidity of the '736 patent is necessary and appropriate in order to resolve this controversy.

NINTH COUNT

(Declaratory Judgment of Lack of Standing to Enforce the '736 Patent)

68. The allegations contained in paragraphs 1 through 67 are incorporated by reference as if fully set herein.

69. IV claims to be the owner and assignee of all rights, title, and interest in and under the '736 patent.

1 70. On information and belief, IV has not shown that it has the right to bring an action
2 to enforce the '736 patent.

3 71. Under all the circumstances in this dispute, IV has, at a minimum, created a
4 substantial, immediate, and real controversy between the parties as to whether IV has standing to
5 enforce the '736 patent. A valid and justiciable controversy has arisen and exists between
6 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

7 72. A judicial declaration that IV lacks standing to enforce the '736 patent is necessary
8 and appropriate in order to resolve this controversy.

9 **TENTH COUNT**

10 **(Declaratory Judgment of Non-Infringement of the '165 Patent)**

11 73. The allegations contained in paragraphs 1 through 72 are incorporated by reference
12 as if fully set herein.

13 74. IV claims to be the owner and assignee of all rights, title, and interest in and under
14 the '165 patent.

15 75. IV has accused Plaintiff of infringing the '165 patent through its manufacture, sale,
16 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
17 license to the '165 patent to lawfully continue the manufacture, sale, use, and/or importation of
18 these integrated circuits.

19 76. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
20 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
21 '165 patent.

22 77. Under all the circumstances in this dispute, IV has, at a minimum, created a
23 substantial, immediate, and real controversy between the parties as to the non-infringement of the
24 '165 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
25 within the meaning of 28 U.S.C. § 2201.

26 78. On information and belief, Plaintiff has not directly or indirectly infringed any
27 valid and enforceable claims of the '165 patent, either literally or under the doctrine of
28 equivalents.

1 79. A judicial declaration of non-infringement of the '165 patent is necessary and
2 appropriate in order to resolve this controversy.

3 **ELEVENTH COUNT**

4 **(Declaratory Judgment of Invalidity of the '165 Patent)**

5 80. The allegations contained in paragraphs 1 through 79 are incorporated by reference
6 as if fully set herein.

7 81. Under all the circumstances in this dispute, IV has, at a minimum, created a
8 substantial, immediate, and real controversy between the parties as to the invalidity of the '165
9 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
10 the meaning of 28 U.S.C. § 2201.

11 82. On information and belief, the '165 patent is invalid because of its failure to
12 comply with one or more of the requirements of the patent laws of the United States, including,
13 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

14 83. A judicial declaration of invalidity of the '165 patent is necessary and appropriate
15 in order to resolve this controversy.

16 **TWELFTH COUNT**

17 **(Declaratory Judgment of Lack of Standing to Enforce the '165 Patent)**

18 84. The allegations contained in paragraphs 1 through 83 are incorporated by reference
19 as if fully set herein.

20 85. IV claims to be the owner and assignee of all rights, title, and interest in and under
21 the '165 patent.

22 86. On information and belief, IV has not shown that it has the right to bring an action
23 to enforce the '165 patent.

24 87. Under all the circumstances in this dispute, IV has, at a minimum, created a
25 substantial, immediate, and real controversy between the parties as to whether IV has standing to
26 enforce the '165 patent. A valid and justiciable controversy has arisen and exists between
27 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.
28

1 88. A judicial declaration that IV lacks standing to enforce the '165 patent is necessary
2 and appropriate in order to resolve this controversy.

3 **THIRTEENTH COUNT**

4 **(Declaratory Judgment of Non-Infringement of the '527 Patent)**

5 89. The allegations contained in paragraphs 1 through 88 are incorporated by reference
6 as if fully set herein.

7 90. IV claims to be the owner and assignee of all rights, title, and interest in and under
8 the '527 patent.

9 91. IV has accused Plaintiff of infringing the '527 patent through its manufacture, sale,
10 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
11 license to the '527 patent to lawfully continue the manufacture, sale, use, and/or importation of
12 these integrated circuits.

13 92. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
14 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
15 '527 patent.

16 93. Under all the circumstances in this dispute, IV has, at a minimum, created a
17 substantial, immediate, and real controversy between the parties as to the non-infringement of the
18 '527 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
19 within the meaning of 28 U.S.C. § 2201.

20 94. Upon information and belief, Plaintiff has not directly or indirectly infringed any
21 valid and enforceable claims of the '527 patent, either literally or under the doctrine of
22 equivalents.

23 95. A judicial declaration of non-infringement of the '527 patent is necessary and
24 appropriate in order to resolve this controversy.

25 **FOURTEENTH COUNT**

26 **(Declaratory Judgment of Invalidity of the '527 Patent)**

27 96. The allegations contained in paragraphs 1 through 95 are incorporated by reference
28 as if fully set herein.

1 97. Under all the circumstances in this dispute, IV has, at a minimum, created a
2 substantial, immediate, and real controversy between the parties as to the invalidity of the '527
3 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
4 the meaning of 28 U.S.C. § 2201.

5 98. Upon information and belief, the '527 patent is invalid because of its failure to
6 comply with one or more of the requirements of the patent laws of the United States, including,
7 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

8 99. A judicial declaration of invalidity of the '527 patent is necessary and appropriate
9 in order to resolve this controversy.

10 **FIFTEENTH COUNT**

11 **(Declaratory Judgment of Lack of Standing to Enforce the '527 Patent)**

12 100. The allegations contained in paragraphs 1 through 99 are incorporated by reference
13 as if fully set herein.

14 101. IV claims to be the owner and assignee of all rights, title, and interest in and under
15 the '527 patent.

16 102. On information and belief, IV has not shown that it has the right to bring an action
17 to enforce the '527 patent.

18 103. Under all the circumstances in this dispute, IV has, at a minimum, created a
19 substantial, immediate, and real controversy between the parties as to whether IV has standing to
20 enforce the '527 patent. A valid and justiciable controversy has arisen and exists between
21 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

22 104. A judicial declaration that IV lacks standing to enforce the '527 patent is necessary
23 and appropriate in order to resolve this controversy.

24 **SIXTEENTH COUNT**

25 **(Declaratory Judgment of Non-Infringement of the '087 Patent)**

26 105. The allegations contained in paragraphs 1 through 104 are incorporated by
27 reference as if fully set herein.

1 106. IV claims to be the owner and assignee of all rights, title, and interest in and under
2 the '087 patent.

3 107. IV has accused Plaintiff of infringing the '087 patent through its manufacture, sale,
4 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
5 license to the '087 patent to lawfully continue the manufacture, sale, use, and/or importation of
6 these integrated circuits.

7 108. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
8 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
9 '087 patent.

10 109. Under all the circumstances in this dispute, IV has, at a minimum, created a
11 substantial, immediate, and real controversy between the parties as to the non-infringement of the
12 '087 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
13 within the meaning of 28 U.S.C. § 2201.

14 110. Upon information and belief, Plaintiff has not directly or indirectly infringed any
15 valid and enforceable claims of the '087 patent, either literally or under the doctrine of
16 equivalents.

17 111. A judicial declaration of non-infringement of the '087 patent is necessary and
18 appropriate in order to resolve this controversy.

19 **SEVENTEENTH COUNT**

20 **(Declaratory Judgment of Invalidity of the '087 Patent)**

21 112. The allegations contained in paragraphs 1 through 111 are incorporated by
22 reference as if fully set herein.

23 113. Under all the circumstances in this dispute, IV has, at a minimum, created a
24 substantial, immediate, and real controversy between the parties as to the invalidity of the '087
25 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
26 the meaning of 28 U.S.C. § 2201.

1 114. Upon information and belief, the '087 patent is invalid because of its failure to
2 comply with one or more of the requirements of the patent laws of the United States, including,
3 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

4 115. A judicial declaration of invalidity of the '087 patent is necessary and appropriate
5 in order to resolve this controversy.

6 **EIGHTEENTH COUNT**

7 **(Declaratory Judgment of Lack of Standing to Enforce the '087 Patent)**

8 116. The allegations contained in paragraphs 1 through 115 are incorporated by
9 reference as if fully set herein.

10 117. IV claims to be the owner and assignee of all rights, title, and interest in and under
11 the '087 patent.

12 118. On information and belief, IV has not shown that it has the right to bring an action
13 to enforce the '087 patent.

14 119. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to whether IV has standing to
16 enforce the '087 patent. A valid and justiciable controversy has arisen and exists between
17 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

18 120. A judicial declaration that IV lacks standing to enforce the '087 patent is necessary
19 and appropriate in order to resolve this controversy.

20 **NINETEENTH COUNT**

21 **(Declaratory Judgment of Non-Infringement of the '646 Patent)**

22 121. The allegations contained in paragraphs 1 through 120 are incorporated by
23 reference as if fully set herein.

24 122. IV claims to be the owner and assignee of all rights, title, and interest in and under
25 the '646 patent.

26 123. IV has accused Plaintiff of infringing the '646 patent through its manufacture, sale,
27 use, and/or importation of certain software products, and has asserted that Plaintiff must take a
28

1 license to the '646 patent to lawfully continue the manufacture, sale, use, and/or importation of
2 these software products.

3 124. Plaintiff has informed IV that Plaintiff contends that it has the right to be engaged
4 in the manufacture, sale, use, and/or importation of these software products without a license to
5 the '646 patent.

6 125. Under all the circumstances in this dispute, IV has, at a minimum, created a
7 substantial, immediate, and real controversy between the parties as to the non-infringement of the
8 '646 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
9 within the meaning of 28 U.S.C. § 2201.

10 126. Upon information and belief, Plaintiff has not directly or indirectly infringed any
11 valid and enforceable claims of the '646 patent, either literally or under the doctrine of
12 equivalents.

13 127. A judicial declaration of non-infringement of the '646 patent is necessary and
14 appropriate in order to resolve this controversy.

15 **TWENTIETH COUNT**

16 **(Declaratory Judgment of Invalidity of the '646 Patent)**

17 128. The allegations contained in paragraphs 1 through 127 are incorporated by
18 reference as if fully set herein.

19 129. Under all the circumstances in this dispute, IV has, at a minimum, created a
20 substantial, immediate, and real controversy between the parties as to the invalidity of the '646
21 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
22 the meaning of 28 U.S.C. § 2201.

23 130. Upon information and belief, the '646 patent is invalid because of its failure to
24 comply with one or more of the requirements of the patent laws of the United States, including,
25 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

26 131. A judicial declaration of invalidity of the '646 patent is necessary and appropriate
27 in order to resolve this controversy.
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1 **TWENTY-FIRST COUNT**

2 **(Declaratory Judgment of Lack of Standing to Enforce the '646 Patent)**

3 132. The allegations contained in paragraphs 1 through 131 are incorporated by
4 reference as if fully set herein.

5 133. IV claims to be the owner and assignee of all rights, title, and interest in and under
6 the '646 patent.

7 134. On information and belief, IV has not shown that it has the right to bring an action
8 to enforce the '646 patent.

9 135. Under all the circumstances in this dispute, IV has, at a minimum, created a
10 substantial, immediate, and real controversy between the parties as to whether IV has standing to
11 enforce the '646 patent. A valid and justiciable controversy has arisen and exists between
12 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

13 136. A judicial declaration that IV lacks standing to enforce the '646 patent is necessary
14 and appropriate in order to resolve this controversy.

15 **TWENTY-SECOND COUNT**

16 **(Declaratory Judgment of Non-Infringement of the '331 Patent)**

17 137. The allegations contained in paragraphs 1 through 136 are incorporated by
18 reference as if fully set herein.

19 138. IV claims to be the owner and assignee of all rights, title, and interest in and under
20 the '331 patent.

21 139. IV has accused Plaintiff of infringing the '331 patent through its manufacture, sale,
22 use, and/or importation of certain hardware products and/or integrated circuits, and has asserted
23 that Plaintiff must take a license to the '331 patent to lawfully continue the manufacture, sale, use,
24 and/or importation of the accused integrated circuits.

25 140. Plaintiff has informed IV that Plaintiff contends it has the right to engage in the
26 manufacture, sale, use, and/or importation of these hardware products and/or integrated circuits
27 without a license to the '331 patent.
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141. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '331 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

142. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '331 patent, either literally or under the doctrine of equivalents.

143. A judicial declaration of non-infringement of the '331 patent is necessary and appropriate in order to resolve this controversy.

TWENTY-THIRD COUNT

(Declaratory Judgment of Invalidity of the '331 Patent)

144. The allegations contained in paragraphs 1 through 143 are incorporated by reference as if fully set herein.

145. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '331 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

146. On information and belief, the '331 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

147. A judicial declaration of invalidity of the '331 patent is necessary and appropriate in order to resolve this controversy.

TWENTY-FOURTH COUNT

(Declaratory Judgment of Lack of Standing to Enforce the '331 Patent)

148. The allegations contained in paragraphs 1 through 147 are incorporated by reference as if fully set herein.

149. IV claims to be the owner and assignee of all rights, title, and interest in and under the '331 patent.

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8 *Attorneys for Plaintiff, Xilinx, Inc.*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 XILINX, INC.,

13 Plaintiff,

14 v.

15 INVENTION INVESTMENT FUND I LP,
16 INVENTION INVESTMENT FUND II LLC,
17 INTELLECTUAL VENTURES LLC,
18 INTELLECTUAL VENTURES
19 MANAGEMENT LLC,
20 INTELLECTUAL VENTURES I LLC,
21 INTELLECTUAL VENTURES II LLC,

22 Defendants.

ORIGINAL FILED

FEB 14 2011

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

Case No. **CV 11 - 0671**

LB

**COMPLAINT FOR DECLARATORY
JUDGMENT OF PATENT NON-
INFRINGEMENT AND INVALIDITY**

DEMAND FOR JURY TRIAL

23 Xilinx, Inc. ("Xilinx" or "Plaintiff"), by and through its undersigned counsel, complains
24 against Invention Investment Fund I LP, Invention Investment Fund II LLC, Intellectual Ventures
25 LLC, Intellectual Ventures Management LLC, Intellectual Ventures I LLC, Intellectual Ventures
26 II LLC, as follows:
27
28

1 150. On information and belief, IV has not shown that it has the right to bring an action
2 to enforce the '331 patent.

3 151. Under all the circumstances in this dispute, IV has, at a minimum, created a
4 substantial, immediate, and real controversy between the parties as to whether IV has standing to
5 enforce the '331 patent. A valid and justiciable controversy has arisen and exists between
6 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

7 152. A judicial declaration that IV lacks standing to enforce the '331 patent is necessary
8 and appropriate in order to resolve this controversy.

9
10 **TWENTY-FIFTH COUNT**

11 **(Declaratory Judgment of Non-Infringement of the '415 Patent)**

12 153. The allegations contained in paragraphs 1 through 152 are incorporated by
13 reference as if fully set herein.

14 154. IV claims to be the owner and assignee of all rights, title, and interest in and under
15 the '415 patent.

16 155. IV has accused Plaintiff of infringing the '415 patent through its manufacture, sale,
17 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
18 license to the '415 patent to lawfully continue the manufacture, sale, use, and/or importation of
19 these integrated circuits.

20 156. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
21 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
22 '415 patent.

23 157. Under all the circumstances in this dispute, IV has, at a minimum, created a
24 substantial, immediate, and real controversy between the parties as to the non-infringement of the
25 '415 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
26 within the meaning of 28 U.S.C. § 2201.
27
28

1 158. On information and belief, Plaintiff has not directly or indirectly infringed any
2 valid and enforceable claims of the '415 patent, either literally or under the doctrine of
3 equivalents.

4 159. A judicial declaration of non-infringement of the '415 patent is necessary and
5 appropriate in order to resolve this controversy.

6 **TWENTY-SIXTH COUNT**

7 **(Declaratory Judgment of Invalidity of the '415 Patent)**

8 160. The allegations contained in paragraphs 1 through 159 are incorporated by
9 reference as if fully set herein.

10 161. Under all the circumstances in this dispute, IV has, at a minimum, created a
11 substantial, immediate, and real controversy between the parties as to the invalidity of the '415
12 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
13 the meaning of 28 U.S.C. § 2201.

14 162. On information and belief, the '415 patent is invalid because of its failure to
15 comply with one or more of the requirements of the patent laws of the United States, including,
16 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

17 163. A judicial declaration of invalidity of the '415 patent is necessary and appropriate
18 in order to resolve this controversy.

19 **TWENTY-SEVENTH COUNT**

20 **(Declaratory Judgment of Lack of Standing to Enforce the '415 Patent)**

21 164. The allegations contained in paragraphs 1 through 163 are incorporated by
22 reference as if fully set herein.

23 165. IV claims to be the owner and assignee of all rights, title, and interest in and under
24 the '415 patent.

25 166. On information and belief, IV has not shown that it has the right to bring an action
26 to enforce the '415 patent.

27 167. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to whether IV has standing to

1 enforce the '415 patent. A valid and justiciable controversy has arisen and exists between
2 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

3 168. A judicial declaration that IV lacks standing to enforce the '415 patent is necessary
4 and appropriate in order to resolve this controversy.

5 **TWENTY-EIGHTH COUNT**

6 **(Declaratory Judgment of Non-Infringement of the '865 Patent)**

7 169. The allegations contained in paragraphs 1 through 168 are incorporated by
8 reference as if fully set herein.

9 170. IV claims to be the owner and assignee of all rights, title, and interest in and under
10 the '865 patent.

11 171. IV has accused Plaintiff of infringing the '865 patent through its manufacture, sale,
12 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
13 license to the '865 patent to lawfully continue the manufacture, sale, use, and/or importation of
14 these integrated circuits.

15 172. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
16 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
17 '865 patent.

18 173. Under all the circumstances in this dispute, IV has, at a minimum, created a
19 substantial, immediate, and real controversy between the parties as to the non-infringement of the
20 '865 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
21 within the meaning of 28 U.S.C. § 2201.

22 174. On information and belief, Plaintiff has not directly or indirectly infringed any
23 valid and enforceable claims of the '865 patent, either literally or under the doctrine of
24 equivalents.

25 175. A judicial declaration of non-infringement of the '865 patent is necessary and
26 appropriate in order to resolve this controversy.

1 **TWENTY-NINTH COUNT**

2 **(Declaratory Judgment of Invalidity of the '865 Patent)**

3 176. The allegations contained in paragraphs 1 through 175 are incorporated by
4 reference as if fully set herein.

5 177. Under all the circumstances in this dispute, IV has, at a minimum, created a
6 substantial, immediate, and real controversy between the parties as to the invalidity of the '865
7 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
8 the meaning of 28 U.S.C. § 2201.

9 178. On information and belief, the '865 patent is invalid because of its failure to
10 comply with one or more of the requirements of the patent laws of the United States, including,
11 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

12 179. A judicial declaration of invalidity of the '865 patent is necessary and appropriate
13 in order to resolve this controversy.

14 **THIRTIETH COUNT**

15 **(Declaratory Judgment of Non-Infringement of the '001 Patent)**

16 180. The allegations contained in paragraphs 1 through 179 are incorporated by
17 reference as if fully set herein.

18 181. IV claims to be the owner and assignee of all rights, title, and interest in and under
19 the '001 patent.

20 182. IV has accused Plaintiff of infringing the '001 patent through its manufacture, sale,
21 use, and/or importation of certain software products, and has asserted that Plaintiff must take a
22 license to the '001 patent to lawfully continue the manufacture, sale, use, and/or importation of
23 these software products.

24 183. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
25 the manufacture, sale, use, and/or importation of these software products without a license to the
26 '001 patent.

27 184. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to the non-infringement of the

1 '001 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
2 within the meaning of 28 U.S.C. § 2201.

3 185. On information and belief, Plaintiff has not directly or indirectly infringed any
4 valid and enforceable claims of the '001 patent, either literally or under the doctrine of
5 equivalents.

6 186. A judicial declaration of non-infringement of the '001 patent is necessary and
7 appropriate in order to resolve this controversy.

8 **THIRTY-FIRST COUNT**

9 **(Declaratory Judgment of Invalidity of the '001 Patent)**

10 187. The allegations contained in paragraphs 1 through 186 are incorporated by
11 reference as if fully set herein.

12 188. Under all the circumstances in this dispute, IV has, at a minimum, created a
13 substantial, immediate, and real controversy between the parties as to the invalidity of the '001
14 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
15 the meaning of 28 U.S.C. § 2201.

16 189. On information and belief, the '001 patent is invalid because of its failure to
17 comply with one or more of the requirements of the patent laws of the United States, including,
18 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

19 190. A judicial declaration of invalidity of the '001 patent is necessary and appropriate
20 in order to resolve this controversy.

21 **THIRTY-SECOND COUNT**

22 **(Declaratory Judgment of Lack of Standing to Enforce the '001 Patent)**

23 191. The allegations contained in paragraphs 1 through 190 are incorporated by
24 reference as if fully set herein.

25 192. IV claims to be the owner and assignee of all rights, title, and interest in and under
26 the '001 patent.

27 193. On information and belief, IV has not shown that it has the right to bring an action
28 to enforce the '001 patent.

194. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to whether IV has standing to enforce the '001 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

195. A judicial declaration that IV lacks standing to enforce the '001 patent is necessary and appropriate in order to resolve this controversy.

THIRTY-THIRD COUNT

(Declaratory Judgment of Non-Infringement of the '350 Patent)

196. The allegations contained in paragraphs 1 through 195 are incorporated by reference as if fully set herein.

197. IV claims to be the owner and assignee of all rights, title, and interest in and under the '350 patent.

198. IV has accused Plaintiff of infringing the '350 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '350 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

199. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '350 patent.

200. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '350 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

201. Upon information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '350 patent, either literally or under the doctrine of equivalents.

202. A judicial declaration of non-infringement of the '350 patent is necessary and appropriate in order to resolve this controversy.

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1 **THIRTY-SIXTH COUNT**

2 **(Declaratory Judgment of Non-Infringement of the '497 Patent)**

3 212. The allegations contained in paragraphs 1 through 211 are incorporated by
4 reference as if fully set herein.

5 213. IV claims to be the owner and assignee of all rights, title, and interest in and under
6 the '497 patent.

7 214. IV has accused Plaintiff of infringing the '497 patent through its manufacture, sale,
8 use, and/or importation of certain software products, and has asserted that Plaintiff must take a
9 license to the '497 patent to lawfully continue the manufacture, sale, use, and/or importation of
10 these software products.

11 215. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
12 the manufacture, sale, use, and/or importation of these software products without a license to the
13 '497 patent.

14 216. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to the non-infringement of the
16 '497 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
17 within the meaning of 28 U.S.C. § 2201.

18 217. On information and belief, Plaintiff has not directly or indirectly infringed any
19 valid and enforceable claims of the '497 patent, either literally or under the doctrine of
20 equivalents.

21 218. A judicial declaration of non-infringement of the '497 patent is necessary and
22 appropriate in order to resolve this controversy.

23 **THIRTY-SEVENTH COUNT**

24 **(Declaratory Judgment of Invalidity of the '497 Patent)**

25 219. The allegations contained in paragraphs 1 through 218 are incorporated by
26 reference as if fully set herein.

27 220. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to the invalidity of the '497

1 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
2 the meaning of 28 U.S.C. § 2201.

3 221. On information and belief, the '497 patent is invalid because of its failure to
4 comply with one or more of the requirements of the patent laws of the United States, including,
5 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 222. A judicial declaration of invalidity of the '497 patent is necessary and appropriate
7 in order to resolve this controversy.

8 **THIRTY-EIGHTH COUNT**

9 **(Declaratory Judgment of Lack of Standing to Enforce the '497 Patent)**

10 223. The allegations contained in paragraphs 1 through 222 are incorporated by
11 reference as if fully set herein.

12 224. IV claims to be the owner and assignee of all rights, title, and interest in and under
13 the '497 patent.

14 225. On information and belief, IV has not shown that it has the right to bring an action
15 to enforce the '497 patent.

16 226. Under all the circumstances in this dispute, IV has, at a minimum, created a
17 substantial, immediate, and real controversy between the parties as to whether IV has standing to
18 enforce the '497 patent. A valid and justiciable controversy has arisen and exists between
19 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

20 227. A judicial declaration that IV lacks standing to enforce the '497 patent is necessary
21 and appropriate in order to resolve this controversy.

22 **THIRTY-NINTH COUNT**

23 **(Declaratory Judgment of Non-Infringement of the '669 Patent)**

24 228. The allegations contained in paragraphs 1 through 227 are incorporated by
25 reference as if fully set herein.

26 229. IV claims to be the owner and assignee of all rights, title, and interest in and under
27 the '669 patent.

230. IV has accused Plaintiff of infringing the '669 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '669 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

231. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '669 patent.

232. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '669 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

233. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '669 patent, either literally or under the doctrine of equivalents.

234. A judicial declaration of non-infringement of the '669 patent is necessary and appropriate in order to resolve this controversy.

FORTIETH COUNT

(Declaratory Judgment of Invalidity of the '669 Patent)

235. The allegations contained in paragraphs 1 through 234 are incorporated by reference as if fully set herein.

236. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '669 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

237. On information and belief, the '669 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

1 **NATURE OF THE ACTION**

2 1. This is an action for declaratory judgment of patent non-infringement, invalidity,
3 and unenforceability arising under the patent laws of the United States, Title 35 of the United
4 States Code.

5 **THE PARTIES**

6 2. Plaintiff, Xilinx, is a Delaware corporation with its principal place of business at
7 2100 Logic Drive, San Jose, California 95124. Xilinx is engaged in the business of designing,
8 developing, and marketing complete programmable logic solutions, including advanced
9 integrated circuits, software design tools, predefined system functions delivered as intellectual
10 property cores, design services, customer training, field engineering, and customer support.

11 3. On information and belief, Defendants, Invention Investment Fund I LP, is a
12 Delaware limited partnership, and Invention Investment Fund II LLC, Intellectual Ventures LLC,
13 Intellectual Ventures Management LLC, Intellectual Ventures I LLC, Intellectual Ventures II
14 LLC, and are Delaware limited liability companies each with their principal place of business
15 3150 139th Avenue SE, Building 4, Bellevue, Washington 98005.

16 4. On information and belief, each of the Defendants is in the business of acquiring
17 and licensing patents and patent portfolios. Upon information and belief, each of the Defendants
18 is otherwise subject to the jurisdiction of this Court. Throughout this complaint, the defendants
19 are collectively referred to as "IV".

20 **JURISDICTION AND VENUE**

21 5. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*,
22 under the patent laws of the United States, Title 35 of the United States Code. This Court has
23 subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, 1367, 2201, and 2202.

24 6. This Court has personal jurisdiction over Defendants by virtue of their sufficient
25 minimum contacts with this forum as a result of the business they conduct within the State of
26 California and within the Northern District of California.

27 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).
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1 238. A judicial declaration of invalidity of the '669 patent is necessary and appropriate
2 in order to resolve this controversy.

3 **FORTY-FIRST COUNT**

4 **(Declaratory Judgment of Lack of Standing to Enforce the '669 Patent)**

5 239. The allegations contained in paragraphs 1 through 238 are incorporated by
6 reference as if fully set herein.

7 240. IV claims to be the owner and assignee of all rights, title, and interest in and under
8 the '669 patent.

9 241. On information and belief, IV has not shown that it has the right to bring an action
10 to enforce the '669 patent.

11 242. Under all the circumstances in this dispute, IV has, at a minimum, created a
12 substantial, immediate, and real controversy between the parties as to whether IV has standing to
13 enforce the '669 patent. A valid and justiciable controversy has arisen and exists between
14 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

15 243. A judicial declaration that IV lacks standing to enforce the '669 patent is necessary
16 and appropriate in order to resolve this controversy.

17 **FORTY-SECOND COUNT**

18 **(Declaratory Judgment of Non-Infringement of the '301 Patent)**

19 244. The allegations contained in paragraphs 1 through 243 are incorporated by
20 reference as if fully set herein.

21 245. IV claims to be the owner and assignee of all rights, title, and interest in and under
22 the '301 patent.

23 246. IV has accused Plaintiff of infringing the '301 patent through its manufacture, sale,
24 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
25 license to the '301 patent to lawfully continue the manufacture, sale, use, and/or importation of
26 these integrated circuits.

247. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '301 patent.

248. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '301 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

249. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '301 patent, either literally or under the doctrine of equivalents.

250. A judicial declaration of non-infringement of the '301 patent is necessary and appropriate in order to resolve this controversy.

FORTY-THIRD COUNT

(Declaratory Judgment of Invalidity of the '301 Patent)

251. The allegations contained in paragraphs 1 through 250 are incorporated by reference as if fully set herein.

252. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '301 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

253. On information and belief, the '301 patent is invalid because of its failure to comply with one or more of the requirements of the patent laws of the United States, including, without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

254. A judicial declaration of invalidity of the '301 patent is necessary and appropriate in order to resolve this controversy.

1 **FORTY-FOURTH COUNT**

2 **(Declaratory Judgment of Non-Infringement of the '061 Patent)**

3 255. The allegations contained in paragraphs 1 through 254 are incorporated by
4 reference as if fully set herein.

5 256. IV claims to be the owner and assignee of all rights, title, and interest in and under
6 the '061 patent.

7 257. IV has accused Plaintiff of infringing the '061 patent through its manufacture, sale,
8 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
9 license to the '061 patent to lawfully continue the manufacture, sale, use, and/or importation of
10 these integrated circuits.

11 258. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
12 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
13 '061 patent.

14 259. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to the non-infringement of the
16 '061 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
17 within the meaning of 28 U.S.C. § 2201.

18 260. On information and belief, Plaintiff has not directly or indirectly infringed any
19 valid and enforceable claims of the '061 patent, either literally or under the doctrine of
20 equivalents.

21 261. A judicial declaration of non-infringement of the '061 patent is necessary and
22 appropriate in order to resolve this controversy.

23 **FORTY-FIFTH COUNT**

24 **(Declaratory Judgment of Invalidity of the '061 Patent)**

25 262. The allegations contained in paragraphs 1 through 261 are incorporated by
26 reference as if fully set herein.

27 263. Under all the circumstances in this dispute, IV has, at a minimum, created a
28 substantial, immediate, and real controversy between the parties as to the invalidity of the '061

1 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
2 the meaning of 28 U.S.C. § 2201.

3 264. On information and belief, the '061 patent is invalid because of its failure to
4 comply with one or more of the requirements of the patent laws of the United States, including,
5 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

6 265. A judicial declaration of invalidity of the '061 patent is necessary and appropriate
7 in order to resolve this controversy.

8 **FORTY-SIXTH COUNT**

9 **(Declaratory Judgment of Lack of Standing to Enforce the '061 Patent)**

10 266. The allegations contained in paragraphs 1 through 265 are incorporated by
11 reference as if fully set herein.

12 267. IV claims to be the owner and assignee of all rights, title, and interest in and under
13 the '061 patent.

14 268. On information and belief, IV has not shown that it has the right to bring an action
15 to enforce the '061 patent.

16 269. Under all the circumstances in this dispute, IV has, at a minimum, created a
17 substantial, immediate, and real controversy between the parties as to whether IV has standing to
18 enforce the '061 patent. A valid and justiciable controversy has arisen and exists between
19 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

20 270. A judicial declaration that IV lacks standing to enforce the '061 patent is necessary
21 and appropriate in order to resolve this controversy.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff requests that the Court enter judgment in its favor and against
24 Invention Investment Fund I LP, Invention Investment Fund II LLC, Intellectual Ventures LLC,
25 Intellectual Ventures Management LLC, Intellectual Ventures I LLC, and Intellectual Ventures II
26 LLC, and requests the following relief:

27 (A) An adjudication that the '251, '325, '736, '165, '527, '087, '646, '331,
28 '415, '865, '001, '350, '497, '669, '301, and '061 patents (collectively, the

1 "Asserted Patents") are not infringed by Plaintiff's importation, use, offer
2 for sale, and/or sale in the United States of the Accused Products;

3 (B) An adjudication that the Asserted Patents are invalid;

4 (C) An adjudication that IV does not have the right to bring an action to
5 enforce the '251, '325, '736, '165, '527, '087, '646, '331, '415, '001, '350,
6 '497, '669, and '061 patents;

7 (D) An adjudication in favor of Plaintiff on each of Plaintiff's claims;

8 (E) An adjudication that this is an exceptional case, and an award of Plaintiff's
9 costs and attorneys' fees by Defendant pursuant to 35 U.S.C. § 285 or
10 otherwise; and

11 (F) Such other relief as this Court deems just and proper.

12
13 **DEMAND FOR JURY TRIAL**

14 Pursuant to Federal Rule of Civil Procedure 38(b) and Northern District of California
15 Local Rule 3-6(a), Plaintiff respectfully requests a jury trial on all issues triable thereby.
16

17 Date: February 14, 2011

Respectfully submitted,

18 JONES DAY

19 By: 

20 Behrooz Shariati

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22 *Attorneys for Xilinx, Inc.*

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8. For purposes of intradistrict assignment pursuant to Civil Local Rules 3-2(c) and 3-5(b), this Intellectual Property Action is to be assigned on a district-wide basis.

THE PATENTS-IN-SUIT

9. The United States Patent and Trademark Office (the “USPTO”) issued United States Patent No. 5,524,251 (“the ‘251 patent”), entitled “Microcomputer having ALU Performing Min and Max Operations,” on June 4, 1996

10. The USPTO issued United States Patent No. 5,687,325 (“the ‘325 patent”), entitled “Application Specific Field Programmable Gate Array,” on November 11, 1997. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the ‘325 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

11. The USPTO issued United States Patent No. 5,751,736 (“the ’736 patent”), entitled “Testable Electronic System,” on May 12, 1998.

12. The USPTO issued United States Patent No. 5,887,165 (“the ‘165 patent”), entitled “Dynamically Reconfigurable Hardware System for Real-time Control of Processes,” on March 23, 1999.

13. The USPTO issued United States Patent No. 6,252,527 (“the ‘527 patent”), entitled “Interface Unit for Serial-to-Parallel Conversion and/or Parallel-to-Serial Conversion,” on June 26, 2001.

14. The USPTO issued United States Patent No. 6,260,087 (“the ’087 patent”), entitled “Embedded Configurable Logic ASIC,” on July 10, 2001. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the ’325 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

15. The USPTO issued United States Patent No. 6,272,646 (“the ‘646 patent”), entitled “Programmable Logic Device Having an Integrated Phase Lock Loop,” on August 7, 2001. On December 8, 2010, Intellectual Ventures II, LLC alleged infringement of the ‘325

1 patent by Altera Corporation, Microsemi Corporation, and Lattice Semiconductor Corporation in
2 case 1:10-cv-01065 filed in the District of Delaware.

3 16. The USPTO issued United States Patent No. 6,321,331 ("the '331 patent"),
4 entitled "Real Time Debugger Interface for Embedded Systems," on November 20, 2001.

5 17. The USPTO issued United States Patent No. 6,408,415 ("the '415 patent"),
6 entitled "Test Mode Setup Circuit for Microcontroller Unit," on June 18, 2002.

7 18. The USPTO issued United States Patent No. 6,687,865 ("the '865 patent"),
8 entitled "On-Chip Service Processor for Test and Debug of Integrated Circuits," on February 3,
9 2004.

10 19. The USPTO issued United States Patent No. 6,698,001 ("the '001 patent"),
11 entitled "Method for Generating Register Transfer Level Code," on February 24, 2004.

12 20. The USPTO issued United States Patent No. 6,747,350 ("the '350 patent"),
13 entitled "Flip Chip Package Structure," on June 8, 2004.

14 21. The USPTO issued United States Patent No. 6,768,497 ("the '497 patent"),
15 entitled "Elastic Presentation Space," on July 27, 2004.

16 22. The USPTO issued United States Patent No. 6,993,669 ("the '669 patent"),
17 entitled "Low Power Clocking Systems and Methods," on January 31, 2006. On December 8,
18 2010, Intellectual Ventures I, LLC alleged infringement of the '325 patent by Altera Corporation
19 and Lattice Semiconductor Corporation in case 1:10-cv-01065 filed in the District of Delaware.

20 23. The USPTO issued United States Patent No. 7,080,301 ("the '301 patent"),
21 entitled "On-Chip Service Processor," on July 18, 2006.

22 24. The USPTO issued United States Patent No. 7,100,061 ("the '061 patent"),
23 entitled "Adaptive Power Control," on August 29, 2006.

24 **FIRST COUNT**

25 **(Declaratory Judgment of Non-Infringement of the '251 Patent)**

26 25. The allegations contained in paragraphs 1 through 24 are incorporated by reference
27 as if fully set herein.
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26. IV claims to be the owner and assignee of all rights, title, and interest in and under the '251 patent.

27. IV has accused Plaintiff of infringing the '251 patent through its manufacture, sale, use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a license to the '251 patent to lawfully continue the manufacture, sale, use, and/or importation of these integrated circuits.

28. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in the manufacture, sale, use, and/or importation of these integrated circuits without a license to the '251 patent.

29. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the non-infringement of the '251 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

30. On information and belief, Plaintiff has not directly or indirectly infringed any valid and enforceable claims of the '251 patent, either literally or under the doctrine of equivalents.

31. A judicial declaration of non-infringement of the '251 patent is necessary and appropriate in order to resolve this controversy.

SECOND COUNT

(Declaratory Judgment of Invalidity of the '251 Patent)

32. The allegations contained in paragraphs 1 through 31 are incorporated by reference as if fully set herein.

33. Under all the circumstances in this dispute, IV has, at a minimum, created a substantial, immediate, and real controversy between the parties as to the invalidity of the '251 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

1 34. On information and belief, the '251 patent is invalid because of its failure to
2 comply with one or more of the requirements of the patent laws of the United States, including,
3 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

4 35. A judicial declaration of invalidity of the '251 patent is necessary and appropriate
5 in order to resolve this controversy.

6 **THIRD COUNT**

7 **(Declaratory Judgment of Lack of Standing to Enforce the '251 Patent)**

8 36. The allegations contained in paragraphs 1 through 35 are incorporated by reference
9 as if fully set herein.

10 37. IV claims to be the owner and assignee of all rights, title, and interest in and under
11 the '251 patent.

12 38. On information and belief, IV has not shown that it has the right to bring an action
13 to enforce the '251 patent.

14 39. Under all the circumstances in this dispute, IV has, at a minimum, created a
15 substantial, immediate, and real controversy between the parties as to whether IV has standing to
16 enforce the '251 patent. A valid and justiciable controversy has arisen and exists between
17 Plaintiff and IV within the meaning of 28 U.S.C. § 2201.

18 40. A judicial declaration that IV lacks standing to enforce the '251 patent is necessary
19 and appropriate in order to resolve this controversy.

20 **FOURTH COUNT**

21 **(Declaratory Judgment of Non-Infringement of the '325 Patent)**

22 41. The allegations contained in paragraphs 1 through 40 are incorporated by reference
23 as if fully set herein.

24 42. IV claims to be the owner and assignee of all rights, title, and interest in and under
25 the '325 patent.

26 43. IV has accused Plaintiff of infringing the '325 patent through its manufacture, sale,
27 use, and/or importation of certain integrated circuits, and has asserted that Plaintiff must take a
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1 license to the '325 patent to lawfully continue the manufacture, sale, use, and/or importation of
2 these integrated circuits.

3 44. Plaintiff has informed IV that Plaintiff contends that it has the right to engage in
4 the manufacture, sale, use, and/or importation of these integrated circuits without a license to the
5 '325 patent.

6 45. Under all the circumstances in this dispute, IV has, at a minimum, created a
7 substantial, immediate, and real controversy between the parties as to the non-infringement of the
8 '325 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV
9 within the meaning of 28 U.S.C. § 2201.

10 46. Upon information and belief, Plaintiff has not directly or indirectly infringed any
11 valid and enforceable claims of the '325 patent, either literally or under the doctrine of
12 equivalents.

13 47. A judicial declaration of non-infringement of the '325 patent is necessary and
14 appropriate in order to resolve this controversy.

15 **FIFTH COUNT**

16 **(Declaratory Judgment of Invalidity of the '325 Patent)**

17 48. The allegations contained in paragraphs 1 through 47 are incorporated by reference
18 as if fully set herein.

19 49. Under all the circumstances in this dispute, IV has, at a minimum, created a
20 substantial, immediate, and real controversy between the parties as to the invalidity of the '325
21 patent. A valid and justiciable controversy has arisen and exists between Plaintiff and IV within
22 the meaning of 28 U.S.C. § 2201.

23 50. Upon information and belief, the '325 patent is invalid because of its failure to
24 comply with one or more of the requirements of the patent laws of the United States, including,
25 without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

26 51. A judicial declaration of invalidity of the '325 patent is necessary and appropriate
27 in order to resolve this controversy.
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